

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DAN RISK RETENTION GROUP, INC.,)

Plaintiff,)

v.)

No. 1:21-cv-00218-TWP-MJD

BOTTOMS UP SCUBA INDY LLC,)

BOTTOMS UP SCUBA LLC,)

CLAYTON ST. JOHN,)

MICHAEL ELLIS,)

GREG KISHBAUGH Individually and as Personal)

Representative of the Estate of Donna Kishbaugh,)

Defendants.)

MICHAEL ELLIS,)

BOTTOMS UP SCUBA INDY LLC,)

BOTTOMS UP SCUBA LLC,)

Counter Claimants,)

v.)

DAN RISK RETENTION GROUP, INC.,)

Counter Defendant.)

MICHAEL ELLIS,)

BOTTOMS UP SCUBA INDY LLC,)

BOTTOMS UP SCUBA LLC,)

Third Party Plaintiffs,)

v.)

PADI WORLDWIDE CORP.,)

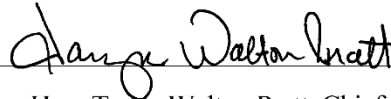
Third Party Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 17, 2021, The Magistrate Judge submitted his Report and Recommendation (Dkt. 92). The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections; none were filed. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby adopts the Magistrate Judge's Report and Recommendation. The **clerk is directed to issue** an Entry of Default against Defendants Bottoms Up Scuba Indy LLC and Bottoms Up Scuba LLC for failure to appear to defend against any claims against them. The counterclaims and third-party claims filed by Bottoms Up Scuba Indy LLC and Bottoms Up Scuba LLC are dismissed for failure to appear to prosecute this action. The **clerk is directed to terminate** these claims on the docket.

IT IS SO ORDERED.

Date: 10/4/2021



Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

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